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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/682,730 | 10/10/2001 | Robert A. Morris | 98-1949-P | 3632 |

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EXAMINER

NGUYEN, DANNY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2836

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,730

Applicant(s)

MORRIS ET AL.

Examiner

Danny Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9-16 is/are allowed.
- 6) ☐ Claim(s) 1 and 17-22 is/are rejected.
- 7) ☐ Claim(s) 2-8 and 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 21, 22, are rejected under 35 U.S.C. 102(b) as being anticipated by Gelbien et. al. (USPN 5,701,226). Gelbien et al. disclose that a method of protecting multiple feeder circuits from a shared electrical distribution system in an electric motor (see figs. 2, 4) comprises a bypass line (providing from device 48 shown in figure 4), the bypass line being configured to bypass corresponding separable circuit breaker contacts (plurality of circuit breaker 14) in each of a plurality of feeder circuits (plurality of feeder circuit 16) between a load side and a line side of the distribution system (10); bypass switches (such as isolation switches 22) in the bypass line, the bypass switches being configured to selectively couple each of the feeder circuits one at a time to the bypass line (col. 2, lines 47-51); providing a fault lockout protection controller (controller 18) coupled to the bypass line, controlling the fault lockout protection controller to detect the existence of the fault condition on the load side before closing the contacts, controlling the fault lockout protection controller to prevent closure of the corresponding circuit breaker contacts upon detection of the fault condition (steps 740 and 745 in fig. 7)

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbien et al. in view of Chou (USPN 5,931,289).

Regarding to claim 17, Gelbien et. al. disclose a circuit breaker (see fig. 2) comprises a fault lockout protection controller (controller 18) detects the existence of the fault condition on the load side before closing the contacts (steps 740 and 745 in fig. 7), separable breaker contacts connected a load side (34) and a line side (16) of an electrical distribution system (10) in the closed position and disconnect the load side from the line side in the open position. Gelbien et al. do not disclose an over-center toggle mechanism. Chou discloses an over-center toggle mechanism (col. 2, lines 32-39). It would have been obvious to one having skill in the art to modify the circuit of Gelbien et al. with an over-center toggle mechanism as taught by Chou in order to control the movement of the breaker contacts (Chou, col. 1, lines 7-11).

Regarding to claim 18, Gelbien et al. disclose a bypass line (provided by device 48), the bypass line configured to bypass the separable breaker contacts (such as breaker 14 in fig. 2), a bypass switch positioned in the bypass line for coupling the fault lockout controller (18).

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Regarding to claims 19, 20, Gelbien et al. disclose means (18) to prevent closure of the breaker is selected from the group consisting of under voltage module and a blocking solenoid module (col. 7, lines 15-43).

Allowable Subject Matter

3. Claims 9-16 are allowed.
4. Claims 2-8, 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2, 23 recite a method for controlling the fault lockout protection controller to detect the existence of the fault condition comprises the steps of providing a test voltage to the load side to induce a test current in the load side the test voltage being less than voltage in line side; sensing the test current to provide a sensed signal indicative of an electrical characteristic of the test current; comparing the sensed signal to a predetermined value, the fault condition is present if the predetermined is met.

The references of record do not teach or suggest the aforementioned limitations, nor would it be obvious to modify those references to include such limitations.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

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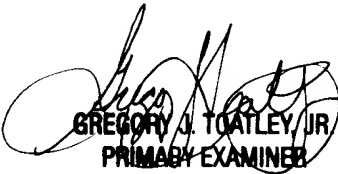
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

D.N.

June 4, 2003


GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER